

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

HAROLD L. ROSBOTTOM, JR.

CIVIL ACTION NO. 08-cv-0522

VERSUS

JUDGE STAGG

GTECH CORP.

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

Before the court are Motions to Quash filed by Defendants GTech Corporation; Spielo Manufacturing, ULC; and by a non-party: the State of Louisiana, Department of Public Safety and Corrections, Gaming Enforcement Section, Video Gaming Division. (Docs. 5 and 8). The motions challenge a subpoena (or notice of records deposition) that was issued by Plaintiff to the Louisiana State Police Video Gaming Division for certain records. Movants argue that the subpoena is overly broad; seeks confidential information protected by La. R.S. 27:21; and is premature under Rule 26. Plaintiff's opposition (Doc. 16) challenges each assertion raised by movants.

It is unnecessary to address the scope or confidentiality arguments at this time, because the court finds that the subpoena is premature under Rule 26(d)(1). The parties have not yet conferred to develop a case management report as required by Rule 26(f). Furthermore, a Motion to Compel Arbitration (Doc. 10) is pending. Once that motion has been resolved, the court will then, if arbitration is not ordered, require the parties to meet and confer under Rule 26 and file a case management report outlining any anticipated discovery

problems. At Plaintiff's request, the court can then evaluate the merits of the arguments regarding the breadth of the subpoena and whether the confidentiality provision in La. R.S. 27:21 bars discovery of relevant documents for use in litigation in federal court. It is premature to reach those argument at this time. In the meantime, however, the Video Gaming Division is directed to preserve and maintain all documents in its possession that are potentially responsive to the subpoena. If arbitration is ordered, discovery may be conducted as permitted by the applicable arbitration rules.

Accordingly, the motions (Docs. 5 and 8) are granted, and the subpoena issued by Plaintiff to the Video Gaming Division is hereby quashed.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 10th day of July, 2008.

  
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MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE